

Message Text

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46

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-02 SS-15 NSC-05 /045 W

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R 202010Z MAR 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC PRIORITY 4395

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ

AMEMBASSY QUITO

C O N F I D E N T I A L LIMA 2300

EO 11652: GDS

TAGS: EAIR, PE

SUBJECT: CIVAIR - DISPUTE WITH PERU

REF: LIMA 2238

1. EMBOFFS MET WITH AEROPERU LAWYER GULMAN MARCH 19 TO INFORM HIM OF PART 213 ACTION. GULMAN WAS UNAWARE OF THIS STEP BY USG AND AT FIRST DID NOT BELIEVE IT. WHEN IDEA SANK IN, HE SAID THAT WHILE HE COULD NOT SPEAK FOR GOP HIS RECOMMENDATION WOULD BE THAT (A) IF AEROPERU WERE CUT BACK BY ONLY ONE OR TWO FREQUENCIES, GOP SHOULD RESTRICT BRANIFF EITHER PROPORTIONATELY OR TO SAME NUMBER OF FREQUENCIES AS THAT PERMITTED AEROPERU; THIS WOULD LEAVE BRANIFF IN WORSE POSITION THAN AT PRESENT AND WOULD CONFRONT IT WITH DECISION WHETHER OR NOT TO PULL OUT; OR (B) IF AEROPERU WERE REDUCED TO ONE FREQUENCY, GOP SHOULD DENOUNCE "AWFUL" (SIC) BILATERAL, IMMEDIATELY CEASE OPERATING TO MIAMI, AND CANCEL ALL BRANIFF SERVICES HERE. GULMAN THEN REPEATED SCENARIO REPORTED PARAGRAPH 4(F) OF LIMA 1492.

2. GULMAN SAID THAT HE DOES NOT BELIEVE SUSPENSION OF BRANIFF/AEROPERU SERVICES WOULD BE HARMFUL TO PERU. HE SAID AEROPERU'S PLANS ARE ALREADY WELL ADVANCED FOR
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LEASE OF TWO ADDITIONAL AIRCRAFT FROM MCDONALD DOUGLAS,

AND AEROPERU WOULD PLAN TO FLY PASSENGERS FOR U.S. EAST COAST TO PANAMA FOR ONWARD TRANSPORT BY AIR PANAMA AND PAN AMERICAN, AND FOR U.S. WEST COAST TO MEXICO CITY. IN ADDITION, GULMAN NOTED THAT, WHILE AEROPERU HAS OPPOSED LUFTHANSA REQUEST TO EXPAND NEW YORK/LIMA SERVICE AND HAS RECOMMENDED REDUCTION, THIS RECOMMENDATION WILL BE HELD IN ABEYANCE PENDING OUTCOME OF CIVAIR DISPUTE WITH U.S. IN THE EVENT SUSPENSION BRANIFF/AEROPERU DOES TAKE PLACE, LUFTHANSA'S ADDITIONAL WEEKLY FREQUENCIES, THREE WITH DC-10'S, WILL HELP TAKE UP THE SLACK.

3. GULMAN SAID HE IS AWARE PRIME MINISTER MORALES BERMUDEZ'S BELIEF THAT CIVAIR DISPUTE SHOULD NOT BE ALLOWED TO ESCALATE AND SHOULD BE SETTLED AT AIRLINE LEVEL (LIMA 2060). GULMAN BELIEVES THIS REACTION ON THE PART OF MORALES BERMUDEZ IS BECAUSE LATTER DOES NOT UNDERSTAND TRUE FACTS, AND GULMAN SAID HE HAS BEGUN PROCESS OF "EDUCATING" HIM. GULMAN DOES NOT BELIEVE AIRLINE TO AIRLINE TALKS WOULD BE PRODUCTIVE AND THINKS TALKS SHOULD BE PUT BACK INTO GOVERNMENT CONTEXT. GULMAN ADDED THAT THERE WILL BE A MEETING OF INTERESTED MINISTERS ON MONDAY (MARCH 24) TO DISCUSS CIVAIR PROBLEM WHICH HE WILL BRIEF AND WHICH HE SEEMS TO REGARD AS YET ANOTHER OPPORTUNITY TO STIFFEN MINISTERIAL SPINES. (NOTE: AIR MINISTER GILARDI MENTIONED THIS MEETING TO AMBASSADOR DURING COURSE OF CALL BY LATTER ON MARCH 19. AMBASSADOR HAD AN OPPORTUNITY TO REVIEW BRIEFLY WITH GILARDI CONTENTS OF STATE 055582 AND WILL HAVE FURTHER OPPORTUNITY TO DO SO IN GREATER DETAIL ON MARCH 21.)

4. OTHER POINTS MADE BY GULMAN WERE: (A) HE VOLUNTEERED THAT THERE IS OF COURSE NO RELATIONSHIP BETWEEN BRANIFF'S PROBLEMS IN U.S. AND CIVAIR DISPUTE WITH PERU. HE SAID HE INTENDED TO MAKE IT PLAIN TO ANYONE IN GOP WHO THOUGHT OTHERWISE THAT IT WOULD IN NO WAY LESSEN DETERMINATION OF U.S. CIVAIR AUTHORITIES TO DEFEND U.S. INTERESTS. (B) GULMAN WAS VERY PROUD OF WHAT HE CLEARLY REGARDS AS CLEVER BRIEF FILED MARCH 17 IN RESPONSE TO CAB SHOW CAUSE ORDER. HE WAS PARTICULARLY PLEASED BY THE BRIEF'S CITATION OF KLM CASE AS PARALLEL

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WITH RESTRICTIONS IMPOSED BY GOP ON BRANIFF. THIS, HE SAID, IS DEVASTATING TO CAB CASE. IN THIS CONNECTION, HE INSISTED THAT KLM HAS ALREADY BEEN CUT BACK. (NOTE: WE COULD RESPOND ONLY IN GENERAL TERMS AND WOULD APPRECIATE BRIEF SUMMARY FROM DEPARTMENT OF CURRENT STATUS THIS CASE.)

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